
TAUNTON PLANNING BOARD MINUTES

Meeting held at 15 Summer Street

DATE: October 7, 2021

BOARD MEMBERS: Anthony Abreau, Chairman Arthur Lopes
 Bob Campbell, Vice Chairman John Reardon
 Manuel Spencer, Clerk Dennis I. Ackerman
 Brian Carr

ADVISORS:

Michael Patneaude, City Engineer
Kevin Scanlon, City Planner

Roll Call: Ackerman, Reardon, Spencer, Lopes and Ackerman present.
Meeting opens at 5: 34 PM

Arthur made motion to accept of minutes September 2, 2021, seconded by Manny. All in favor

At this time Chairman Anthony Abreau read disclosure that he had reviewed the tapes of the last meeting so now he can vote on the cases that were continued from last month. He received a legal opinion from the Law Dept. informing him of what he needed to do.

Cont'd. Public Hearing – 27 Blinn's Court – Form J – Waiver of Frontage Requirements – to divide one lot into two lots – submitted by Mike Binda

Roll call: Reardon, Ackerman, Abreau, Spencer and Lopes present. Hearing opens at 5:34 PM. John DeSousa and Mike Binda were invited into the enclosure. John stated they received ZBA approval and they have addressed the City Engineer's concern with the 3 sided box culvert that run underneath the property. John D. stated the City Engineer has to approve the site plan for the house when applying for a building permit. He stated the Board could approval continent upon the City Engineer's approval. They had their DEP meeting onsite and have not heard back from them. The ZBA approved the lots for single family on each lot. The Conservation Commission denied and the applicant appealed it at DEP. Tony asked about the drainage and if they were going to bring it around house? John stated yes and it will help the water issue out there. Public Input; Bradford Gonyer, 30 Blinns Court asks the board to hold off until DEP give their decision. Any change will need to be approved by them. He stated if they make any changes the abutters are required to be notified. John D. stated there has not been any changes to the conservation plans. John D. stated due to Covid DEP workers are working from home and it's taking a very long time to get action.

Arthur made motion to continue to November 4th , seconded by Dennis. All in favor. The applicant has waived the time frame on which to act on this proposal.

Zachary Robey, 31 Blinn's Court – stated any changes in the plans require them to go back to DEP. He wanted to make sure they are the same plans and John D. stated they were the same.

Public Hearing -104 Hart St. – Form J – Waiver of frontage requirements - – to divide one lot into 2 lots, submitted by Malloch Construction Co.

Roll Call: Spencer, Lopes, Reardon, Ackerman and Abreau present. Hearing opens at 5:51 PM. Atty. Edmund Brennan and Carl Malloch was invited into the enclosure. Atty. Brennan states this is property that was all one and since has been approved for a subdivision. This is the lot with the existing house. Dennis asked if there was a road going in was answered yes. The road will be constructed and it will create frontage for the duplex lots. Manny asked how much frontage do they have? It was answered the existing house will have 87 feet of frontage. Carl stated originally they were going to ask for a waiver for the road and instead they are asking for waiver of frontage for the existing house lot. It was asked if they started construction and it was answers yes they are clearing land for roadway. Public Input: no one in favor or opposed.

**Dennis made motion to approve the Form J for 104 Hart St., seconded by Manny. All in favor.
Hearing closed at 5:59 PM**

Letter from Malloch Construction – relative to Titus Way – Hart Street Estates – changing from underground utilities to overhead utilities

Carl Malloch and Atty. Brennan advised the Board they are here to let the Board know they would like to switch from underground utilities to above utilities. The reason is they have had some interest from neighbor who wants some landscaping buffers in addition to what we are required to our approval. They would like to put shrubbery along the easterly side of property about 400 feet. This request for above ground utilities would offset the cost of the landscaping. John stated he drove by and the roadway is close to property line. John would be against above ground utilities. It was asked how many poles would there be and it was answered about 4. Discussion took place and it was suggested having Mr. Malloch reach out to neighbors to see if they would rather have landscaping in lieu of underground utilities. Manny personally would like to see underground utilities.

Dennis made motion to continue to next month, seconded by Arthur. All in favor.

Public Hearing – Short St. property I.D. 28-62 - Special permit from Section 440-201 of the Zoning Ordinance for a common driveway to access 3 lots – submitted by Liberty & Union Realty Trust.

Roll call: Lopes, Spencer, Abreau, Reardon, Ackerman present. Hearing opens at 6:07 PM
Atty. William Rounds and Jeff Tallman, Northeast Engineers, were invited into the enclosure. Dept. comments from the City Engineer, B.O.H., Fire, Conservation Commission, Water, TMLP, Historic District commission, Veolia water, and City Planner were read into the record. The lot in the rear has 13.5 acres with extensive wetlands. There are 2 lots in between they have been approved. One house is there and the other lot is vacant but the City Planner advised them to seek a Special Permit for a common driveway being the access for 3 lots. There is no other way to access this lot than common driveway. They are proposing one single family house and no further subdivision. Jeff stated they will have to go to the Conservation Commission as they have 2 wetland crossing and file with Natural Heritage & Fisheries & Wildlife. They have to determine how much is acceptable to them and the key thing is the driveway. The access is 12 feet wide paved driveway. Jeff stated he contacted Capt. Bastis from Fire about his letter and he said he was going to submit a revised letter stated that as long as they have 20 foot wide cleared area it was ok. Jeff asked the Secretary is she received updated email and she answers no. Jeff stated the 12 foot wide paved driveway will have 2 feet shoulders on each side of grading. Jeff stated Capt. Bastis seems very receptive of the proposal. There will be a turnaround and will have access easements. Jeff stated they will have 2 open bottom culverts to allow the salamander to get through. John stated at the ZBA hearing one neighbor opposed what was their concern? Atty. Rounds stated they didn't want to see anything there. Dennis stated they approved it with the condition of no further subdivision. Dennis stated the opposition is on the other side of the river. He stated this property is a long ways away from her property. Dennis stated there

are only 5 members here tonight and you need all 5 in favor and asked the applicant if they wished to move forward tonight or continue? Manny stated he has no problem with the project but would like to see the easements and the fire dept. letter about access. Atty. Rounds stated they have an existing agreement. Manny wanted to ensure public safety and want to ensure the width of the roadway is approved by the Fire Dept. Manny stated as long as they comply with the city department comments he has no issue with it. John suggests increasing the width of the driveway. Jeff stated they don't want to widen because of the environmental issues limits it. Several board members want to see the fire dept. letter before they vote. **Dennis made motion to continue to next month, seconded by Arthur. All in favor. The time frame on which to act on this has been waived.**

Public Hearing- Special Permit – Cohannet St. – Prop. LD 89-192 Lot C - A Special Permit from Section 440 Attachment #1 of the Zoning Ordinance for a Three family residential Use in a Highway Business District, submitted by Ferreira Develop.

Roll call: Lopes, Spencer, Reardon, Ackerman, Abreau present. Hearing opens at 6:28 PM Roy DeLano and Steven Ferreira owner was invited into the enclosure. Dept. comments from City Engineer, B.O.H., Fire Dept, TMLP, Conservation Commission, Veolia Water, City Planner, and Water Dept. were read into the record and made part of the record. They are here tonight to develop Lot C with a triplex on it. In 2017 they had approval for a single family dwelling but it has changed hands and they now wish to put a triplex. Lot B which is next door has been purchased by the applicant and will have a duplex dwelling. The proposal is a townhouse style with garage in front. The previously approved single family dwelling was bigger than this proposal. They will need to bring in fill. Manny stated in 2017 it was a different owner and it was approved for a single family with garage. Manny asked how many 3 families are there in the area. He doesn't think there are any and this will change the look of the neighborhood. This property is very close to the Three Mile River and there are a lot of conservation issues. Steve stated financially with installing water and gas it he would like a triplex dwelling. There is over an acre of land and Roy said there will be no fill required. Discussion about if the Conservation Commission would allow this? Dennis asked if he would be satisfied with a 2 family since he's putting one in next door. Steve stated he would be ok with it but prefers a 3 family. Dennis stated he thinks a 2 family would be better suitable with the neighborhood. Public Input: Peter Elis, 1398 Cohannet St. stated he is closest to Lot B. He has had his house hit and he thinks a 3 family is overcrowding the lot and he is worried about speeding. Dennis would prefer a duplex house pulling it away from the river. Steve said the footprint was 48 feet instead of the 74 feet for the single family. Steve said he didn't want to upset the neighborhood and he would be ok with a duplex. He didn't want to change the neighborhood.

Dennis made motion approve, seconded by John, with the dept comments and conditions:

1. The approval is for a **duplex dwelling (two-family)** with a maximum width of 49 feet.
2. The existing 10" drain shown on the plan needs to be inspected and assessed to determine if it can accept the added load from the construction of the proposed driveway. If it's determined to be inadequate or if it's unknown, the pipe should be replaced with an H-20 loaded pipe.
3. The dwellings must be serviced by municipal water & sewer. All dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II
4. TMLP reserves the right to comments on this project since the plan has no electrical one lines, metering layouts or load information.
5. The lot was approved for a single family dwelling by Conservation Commission under the Order of conditions SE 73-2722. Any change will require an amendment with the Conservation Commission.
6. City water is available from the existing 6" city water main on Cohannet St.

7. Plans are required and need to be submitted to DPW for water services, gate valves, and curb stops.
8. DPW specifications apply including: Pressure Testing, hydrant flow test, materials, installation, new water meter with an updated radio frequency unit, inspection, and approval.
9. DPW specifications apply including: Any backflow devices must be inspected by the Plumber Inspector or City Inspector.
10. Prior notice is required before any city water work is to be performed, and inspections will be required before backfilling.

Vote:	5 In Favor
Anthony Abreau, Chair	Yes
Arthur Lopes	Yes
John Reardon	Yes
Manny Spencer, Jr.	Yes
Dennis Ackerman	Yes
Robert Campbell	Absent
Brian Carr	Absent

Hearing closed at 6:52 PM

Public Hearing – 128 East Water St. - Special Permit from Section 440 Attachment #1 of the Zoning Ordinance for a Three family dwelling in an Urban Residential District, submitted by Lynda Earley

Petitioner requested a continuance to next month since there are 2 members absent tonight.

They also waive the time frame on which to act on this proposal.

Dennis made motion to continue to next month, seconded by Arthur. All in favor.

Public Meeting – 46 Harrison St. – A Site Plan Review for a 6 unit multi-family dwelling and parking lot, submitted by Bradley Thomas.

Chris Gilbert, Farland Corp., and Lester Wade was invited into the enclosure. Dept. comments from DIRB, Eng., Water Dept., Veolia Water, Historic District Commission, and Conservation Commission were read into the record. Letter from Silva Engineer Associates on behalf of Helen DeSilva opposed. Chris said this property had 5 units on it and had fire. The original proposal was for a 6 unit with a church but that was denied by City Council so they are here tonight for a 6 family use. They have 12 parking spaces in the in front and 12 in rear. They are proposing landscaping, roof drains for runoff into the subservice infiltration. The abutters to the left are close so they are dividing the parking into two separate fields. Lot will be serviced by city water, sewer and gas. Tony stated the drainage is under the parking lot. The revised plans dated 10-7-21 shows it. Manny asked if they had the property surveyed and Mr. Wade answers yes. Manny state he received a phone call about the applicant removing the neighbor's shrubs. Mr. Wade stated they removed a tree and the shrubs came with it. Mr. Wade said the tree was on his property and bushes were on abutters property. Manny shows pictures from his phone of the shrubs that were removed. Mr. Wade said by taking roots of the tree the bushes came out. Manny stated the surveyor marker has been there for 50 years and stated it was moved. Manny stated he's upset about this. Manny stated a lot of earth came out when removing tree and he hopes they will replace the shrubs because it's the right thing to do. Mr. Wade stated they will be putting a retaining wall on other side where the bushes are. Public input: Helen DaSilva, 44 Harrison St. stated they originally wanted 6 units with church but it got scaled down. She thinks a 4 unit would be more compatible. She stated the City Council voted for 6 unit with conditions. She stated she has her own survey done and now they see they made a mistake and have corrected the plans. She said on Aug.

25th the excavator was there and removed tree limbs. On Aug. 27th they met in good faith and she told them to not touch the hedge. On Saturday, Aug. 28th she was very upset to see they have remove the hedges and damaged her chain link fence. On Monday they were about to do more damage and was told to stop work. She has spent her time, money and energy and is very disappointed in that they didn't keep their promise. She read letter from Silva Engineers Associates into the record. What is the distance of the hedges that were destroyed. She answers 5 feet in height a distance of 11 feet and she would like her fence repaired. Opposed: Ruth Thiboutot, 37 Harrison St. was also opposed. She stated Ms. DaSilva has been visibly upset over this violation. Juanita Gallagher, 145 Winthrop St. stated she is tired of people buying property and having no regard for the rules. She stated it was a 5 unit apartment building and it was sad when it burned to the ground. She asked if a traffic study was done and she didn't think a place of that size should be rebuilt. She is tired of people developing land not to the proper scale. Dennis went out to the site and is aware the City Council approved this but now the P.B. has jurisdiction on the SPR. He is going to recommend replacing the shrubs, fencing and adding new fencing & plantings along the other property line too. He suggests incorporating the conditions in the letter from Silva Engineers.

John made motion to make the new plans part of the record. Seconded by Dennis. All in favor.

The Council included conditions relative to lighting, fire sprinkler and dumper times. Dennis stated he started off on the wrong foot with the neighbor. He suggests re-imbursing Ms. DaSilva for her engineering fees she incurred. Manny asked Lester if he spoke to them? Lester said he talked to her and scheduled another survey and had it done within a week. It was suggested re-locating the water line because there is plenty of room.

Dennis made motion, seconded by Manny to approve the Site Plan Review with the dept. comments & conditions:

Condition #1) That the plans dated August 31, 2021 and revised on October 7, 2021 shall govern with the following additional conditions:

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc

Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit

Condition #6) The existing sewer lateral needs to be re-located and inspected. The project is subject to sanitary sewer standards and specifications

Condition #7) DPW specifications shall apply including backflow devices, pressure testing, materials, installation, a new water meter with an updated radio frequency unit, inspection and approval and prior notice is required before any city water work is to be performed and inspections are required prior to backfilling

Condition #8) DPW permits are required including city licensed contractor, road opening and trench permits

Condition #9) All runoff shall be contained and treated on site. Site drainage shall be approved by the City Engineer prior to any building permits

Condition #10) A landscape plan conforming to section 440-702 shall be provided prior to any building permits

Condition #11) The dumpster shall be placed on a concrete pad, be enclosed with a 6 foot stockade fence, be kept closed at all times and be emptied regularly

Condition #12) Divide the recharge system into two fields located away from the common property line of 44 Harrison St. as shown on revised plans on October 7, 2021

Condition #13) Install a 6 foot vinyl fence along the property line along 44 Harrison St. except the last 10 feet where the height should drop to 3-4 foot to allow for safe visibility.

Condition #14) Replace the shrubbery that was removed at the same height along the property line along of 46 Harrison St. and in front 3 feet tall .

Condition #15) Plant a row of arborvitaes along the property line of 44 Harrison St. in addition to the 6 foot vinyl fence.

Condition #16) Install a 6 foot vinyl fence along the property line along 66 Winthrop St. except the last 10 feet where the height should drop to 3-4 foot to allow for safe visibility.

Condition #17) Relocate the utility work and move the driveway away from the property line abutting 44 Harrison St. Water line placement per the approval of the water department.

Condition #18) The proposed concrete retaining wall shall have a hydraulic barrier to prevent migration of recharged water towards 44 Harrison St. No encroachment onto 44 Harrison St. during construction of the retaining wall.

Condition #19) Additional shrubbery shall be planted in front up to 3 feet from the existing tree at the same height of all other shrubbery.

Vote:	In Favor
Anthony Abreau	Yes
Dennis Ackerman	Yes
John Reardon	Yes
Arthur Lopes	Yes
Manuel Spencer	Yes
Robert Campbell	Absent
Brian Carr	Absent

Public Meeting – 772-784 County St. – A Site Plan Review for the construction of a 10,700 square foot building in the Highway Business District, consisting of 5,500 sq. ft. of retail space and 5,200 sq. ft. restaurant space, submitted by Shoreline Holdings. LLC

Dept. comments from DIRB, City Engineer, Conservation Commission, Fire Dept., Water Dept., TMLP, Historic District Commission, and Veolia Water. Atty. Edmund Brennan and Eric Dias traffic engineer were invited into the enclosure. Atty. Brennan states the project includes 2 lots and will be a 10,700 sq.ft. building in a Highway Business District. The project included 5,500 sq. ft. of retail space and 5,200 sq. ft. or restaurant space for seating capacity of 56. They are well below their lot coverage and has no issues with the DIRB recommendations. Eric Dias, Traffic Engineer stated they comply with the zoning ordinance for use. They are parking in rear and will have 2 points of entry, one on north and south end. They will be filing with the Conservation Commission. Dennis asked about the 2 restaurant and they answered they only had concept plans. John asked if the retail would be broken up into 3 different store but the total is 5,500 sq. ft. Tony stated all the utilities and will be subject to Mass DOT for curb cuts. Eric said the drainage will be rear of the building which will be a subservice system. It will reduce flow and volumes. Public Input: Lisa Allen, 800 County St. stated she can hear everything because she's right next door. She is concerned with traffic on an already busy street. She stated the trees are gone during the winter. This project will increase the traffic. She lives on County Village Estates on the top floor and she can hear everything. She did there

are trees along the property line. Dennis stated the uses are allowed by right and he thinks the site is laid out right.

Dennis made motion to approve the Site Plan Review with the following conditions and dept. comments:
Condition #1) That the plans dated August 31, 2021 shall govern with the following additional conditions;

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc

Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit

Condition #6) The existing sewer lateral needs to be located and inspected. The project is subject to sanitary sewer standards and specifications

Condition #7) DPW specifications shall apply including backflow devices, pressure testing, materials, installation, a new water meter with an updated radio frequency unit, inspection and approval and prior notice is required before any city water work is to be performed and inspections are required prior to backfilling

Condition #8) DPW permits are required including city licensed contractor, road opening and trench permits

Condition #9) The project shall comply with an Order of Conditions from the Conservation Commission

Condition #10) The lots shall be combined with a copy of the recorded plan and deed provided for the file prior to any building permits

Condition #11) A Mass highway Curb cut permit is required. A copy of the permit shall be provided prior to ANY occupancy permit (note: if construction starts prior to receiving the permit, you are proceeding at your own risk)

Condition #12) Dumpster shall be placed on a concrete pad, be enclosed with a 6 ft stockade fence, be kept closed at all times, and be emptied regularly.

Condition #13) Doors shall be shown on the plan

Condition #14) A roof drain manifold from the downspouts to the infiltration system shall be added

Condition #15) Add a guardrail detail to the plans

Condition #16) The site plan shall be stamped by a professional land surveyor

Condition #17) Hydrant relocation shall be coordinated with the Water Department

Condition #18) Binder course shall be a min 2.5 inches

Condition #19) Sidewalk detail shall be added to the plans and ADA/AAB access shall be maintained

Condition #20) External greases traps are required for each restaurant

Condition #21) Documentation on the adequacy of the 6 inch sewer pipe shall be provided

Condition #22) The access easement to parcel 94-201 on the abutting lot shall not be impeded

Condition 23) Any retaining wall over 4 feet tall needs to be designed and stamped by a structural engineer. Details of the wall will need to be incorporated into the submitted plans.

Vote:	5 In Favor
Anthony Abreau	YES
Dennis Ackerman	YES
John Reardon	YES
Arthur Lopes	YES
Manuel Spencer	YES
Robert Campbell,	Absent
Brian Carr	Absent

Public Meeting – Site Plan Review - 90 Prince Henry Drive - for the construction of an 83,400 sq. ft. addition to the existing 96,043 sq. ft. building, submitted by Atlantic Realty Limited, Inc.

Dept. comments from the DIRB, Engineer, Water Dept, Fire Dept, TMLP, Conservation Commission, Veolia Water were read into the record. Kevin Demers, DiPrete Engineer was invited into the enclosure. He stated Callico wishes to add an 83,000 sq. ft. addition. They have 20 feet wide fire access. They will be adding 2 constructed wetlands systems and will replicate about 3,300 sq. ft. The addition is will be used for storage area. Dennis stated Callico is a public/private corporation and they swapped land with the City to some land locked land. The business should be commended and he's happy them move forward. Public Input: No one in favor or opposed.

Dennis made motion to approve the Site Plan Review for 90 Prince Henry Road with the dept. comments:

Condition #1) That the plans dated August 25, 2021 shall govern with the following additional conditions

Condition #2) Lighting shall no illuminate any portion of the abutting properties.

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of updates plans shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks, etc.

Condition #5) Two sets of updates plans shall be provided that conform to this decision prior to Building permit.

Condition #6) Project shall comply with the Order of Conditions from the Conservation Commission number SE 73-2941.

Condition #7) DPW specifications shall apply including backflow devices, pressure testing, materials, installation, a new water meter with an updated radio frequency unit, inspection and approval and prior notice is required before any city water work is to be performed and inspections are require prior to backfilling.

Condition #8) DPW Permits are required including city licensed contractor, road opening and trench permits.

Condition #9) Cleanouts shall be added at the bends in the rerouted overflow pipe.

Condition #10) An updated hazardous materials permit is required with the Board of Health.

Condition #11) The fire access shall be widened to 20 feet.

Vote:

Anthony Abreau	YES
Dennis Ackerman	YES
John Reardon	YES
Arthur Lopes	YES
Manuel Spencer	YES
Robert Campbell,	Absent
Brian Carr	Absent

Special Permit – 44 Dean Street – modification of existing Special Permit of the existing 36 unit permit to allow 23 units with an office use – submitted by Hyperion Holdings, LLC and Innovative Investments Corp. – Need to forward a recommendation to the Municipal Council

Atty. Bill Round and owner Mike Amaral invited into the enclosure. Atty. Rounds stated they are here tonight for the modification of the Special Permit for Council hearing. The Board needs to send a recommendation to the Council. Atty. Rounds stated the Board approved the new site plan review with these changes last month. Mike showed the rendering of the buildings. Under the prior owner the project was approved 36 residential unit but was unable to obtain historic district approval to demo the existing building. The property went up for sale and Mr. Amaral bought it and now is intending to keep the existing building up and reduced the number of units to 23 residential units with 1 office. The council hearing is in a few weeks and this proposal reduced the impact to the neighborhood. Manny stated we basically went over everything when during out Site plan Review process. They put as part of the SPR approval right turn only when exiting the site. Mr. Amaral stated he has stated taking the siding off the building because it has graffiti on it. He stated his engineer did provide a clean 21 E .

John made motion to forward a positive recommendation to the Municipal Council for 23 residential units with an office use, seconded by Arthur. All in favor.

Cont'd Stanley Avenue – Roadway Improvement Plan - req. a continuance.

Dennis made motion seconded by Manny to grant a continuance. All in favor.
Petition continued to Nov. 4th.

Dennis made to send letter to Law Dept. and the City Planner to see what we can do to expedite the Form J process which is currently a public hearing with the P.B. after received ZBA approval. Seconded by Manny. All in favor.

Meeting adjourned at 8:17 PM